

# *Nicky Barnes, 'Mr. Untouchable' of Heroin Dealers, Is Dead at 78*

By Sam Roberts

June 8, 2019

“Nicky Barnes is not around anymore,” said the balding, limping grandfather in the baggy Lee dungarees.

“Nicky Barnes’s lifestyle and his value system is extinct,” he went on, speaking of himself in the third person in a restaurant interview with The New York Times in 2007. “I left Nicky Barnes behind.”

With that, the man asked the waitress for a doggy bag for his grilled salmon, and left.

He was the antithesis of the old Nicky Barnes, a flamboyant Harlem folk hero who had owned as many as 200 suits, 100 pairs of custom-made shoes, 50 full-length leather coats, a fleet of luxury cars, and multiple homes and apartments financed by the fortune he had amassed in the late 1960s and '70s, first by saturating black neighborhoods with heroin and later by investing the profits in real estate and other assets.

Moreover, he was in fact no longer Nicky Barnes even by name. Convicted in 1977, imprisoned for more than two decades, he ultimately testified against his former associates, ensuring their convictions, and was released into the federal witness protection program under a new identity.

The new Nicky Barnes promptly submerged himself so thoroughly in mainstream America that barely anyone beyond his immediate family knew his new name, his whereabouts or even whether he was still alive.

But now it can be said that Nicky Barnes is definitely not around anymore, in any form. This week, one of his daughters and a former prosecutor, both speaking on the condition of anonymity, confirmed that Mr. Barnes had died of cancer in 2012. He was 78, or possibly 79.

“My sister and I have kept his passing private and have not released it publicly,” his daughter wrote in an email. “It still remains a sensitive topic given all that occurred. Our dad was very private and we wanted to respect that.”

She also said that she and her sister may write a memoir about growing up as the daughters of a notorious criminal.

The United States Marshals Service declines to provide information on individuals in the witness protection program. Mr. Barnes’s daughters had also been given new identities under the program. Because of his new guise, his death, in an unidentified place, was never reported under the name Leroy Nicholas Barnes.

That name was once as notorious as any in New York City and beyond. He had headed a lucrative and lethal drug-dealing enterprise that seemed impregnable, thanks to lost evidence, lapsed memories and missing witnesses.

His record of avoiding conviction inflated his ego, to the point where in 1977 this dashing dope peddler flaunted his supposed invulnerability by posing — recklessly, as it turned out — in a blue denim suit and a red, white and blue tie for the cover of The New York Times Magazine.

He loomed from the page defiantly in dark glasses next to the headline “Mister Untouchable,” followed by what amounted to a thumb-in-the-eye taunt: “The Police Say He May Be Harlem’s Biggest Drug Dealer. But Can They Prove It?”



Mr. Barnes posed for the cover of The New York Times Magazine in 1977, an act of defiance that offended President Jimmy Carter and led to stepped up efforts by the Justice Department to prosecute him. Alex Webb/Magnum Photos

The cover so affronted President Jimmy Carter that the White House ordered Mr. Barnes, who had been indicted again only weeks before, to be prosecuted to the fullest extent of the law.

The Justice Department did just that. And later in 1977, he was convicted and sentenced to life in prison without parole.

While Mr. Barnes languished behind bars, though, his former cronies, his wife and his girlfriends began squandering the criminal enterprise that had made them millionaires.

He felt betrayed. But he extracted his revenge: He testified against them in federal trials, and scores of his wayward former associates were convicted. One was his ex-wife, Thelma Grant, who pleaded guilty to federal drug charges and served 10 years in prison.

In return for his cooperation, the government released Mr. Barnes from prison in 1998. But concluding that he would henceforth be a marked man, the authorities offered him something more: a new life, though a hidden one, in the witness protection program.

And with that, Mr. Barnes achieved a goal that his former self would have loathed, even feared: to be forgotten.

Or mostly. In 2007, his fame was briefly rekindled in a book by Tom Folsom titled “Mr. Untouchable” and in a documentary film of the same name. That same year, he was played by Cuba Gooding Jr. in the film “American Gangster,” which, to Mr. Barnes’s irritation, focused not on him but on his leading challenger for peddling dope and bragging rights, Frank Lucas.

Mr. Lucas died on May 30 at 88 — a death that evoked the Harlem heroin wars of the 1970s and a question that had not been posed in years: What ever happened to Nicky Barnes?

It is no longer a mystery. And now his death has evoked another set of memories. This week, after learning of Mr. Barnes’s death, Robert B. Fiske Jr., the United States attorney in Manhattan in 1977, recalled him as having overseen “the largest, the most profitable and the most venal drug ring in New York.”

## **Schooled in the Streets**

Mr. Barnes was born in Harlem on Oct. 15, 1933, and grew up around Eighth Avenue and West 113th Street. An altar boy for a time, he was also arrested on robbery charges before he was 10. He fled from an alcoholic father. He never went beyond junior high school, became a street junkie and was sent for treatment to Lexington, Ky., where he was weaned from drugs. He said he never used them again.

Arrests on charges of possession of burglary tools and breaking into cars led to confinement at the Tombs in Lower Manhattan. Later, well on his way to a life of crime, he served time at Green Haven Correctional Facility in Dutchess County, N.Y., where he reportedly converted to Islam.

First as a competitor and then with the connivance of the Italian Mafia, Mr. Barnes rose in the late 1960s to become the kingpin of an empire that imported and distributed millions of dollars worth of heroin in New York, Pennsylvania, Canada and elsewhere, all the while murdering rivals.

The police confiscated \$130,000 in cash in his car and \$43,934 in small bills in his apartment, along with handguns and a sawed-off shotgun. (For a while, he lived on Haven Avenue in Washington Heights in an apartment owned by Columbia University.)

Mr. Barnes with a defense lawyer, David Breitbart, outside the Manhattan federal courthouse in 1977 as jurors deliberated. A former prosecutor recalled him this week as the kingpin of “the largest, the most profitable and the most venal drug ring in New York.”  
Tyrone Dukes/The New York Times

Mr. Barnes estimated that he had earned at least \$5 million selling heroin in the several years before his 1977 conviction — income he had augmented by investing in travel agencies, gas stations, a chain of automated carwashes and housing projects in Cleveland and Pontiac, Mich. He also marketed something called a flake-burger, made from remnants of butchered beef.

By the time he audaciously agreed to be photographed for the cover of The Times Magazine and an article inside, he had a record of 13 arrests as an adult and no convictions.

In retrospect, living up to his legend in the magazine may have seemed perfectly justified to this man, even though he was facing federal charges at the time that carried a life sentence. This was a man, after all, who could plunge into books about black history one moment and, the next, lead the police — who were constantly tailing him — on 100-mile-per-hour wild goose chases around the city for no apparent reason, returning to his apartment without even having been issued a ticket for speeding.

Tongue in cheek, Mr. Barnes told Mr. Folsom for his book that he had always wondered why President Carter had been so offended by the magazine cover, since he had been sporting the most understated items in his wardrobe. “It’s a wash-and-wear blue denim suit,” Mr. Barnes was quoted as saying in mock amazement.

Still, as the columnist Pete Hamill told The Daily Beast in 2017, referring to the photograph: “You can’t have The Times write about you if you are a gangster and expect to get away with anything. Successful gangsters cannot be known.”

Mr. Barnes insisted on his innocence even after he was found guilty in 1977 of heading a major drug distribution enterprise in Harlem that had conspired to sell, wholesale, \$1 million in heroin a month.

He also denied that he was a murderer; he had only ordered others to kill, he said. The authorities believed he was capable of both.

The trial was the first federal case in which the jurors' identities were kept secret to protect their safety.

In 1978, Mr. Barnes was sentenced in Federal District Court in Manhattan by Judge Henry F. Werker.

"The saddest part of all," the judge said from the bench, "is that the great majority of people he is affecting are people in his own neighborhood."

## **'He Had Charisma'**

Mr. Barnes began cooperating with the authorities in the early 1980s.

"How much heroin did you and your organization buy and sell?" a prosecutor, Benito Romano, asked him during the trial of one of Mr. Barnes's associates.

"In the thousands of pounds," Mr. Barnes replied, referring to the period from 1970 until his conviction.

Others, like Mr. Lucas, claimed the spotlight, but Mr. Barnes became folkloric. He was said to have inspired Jim Croce's 1973 hit song "Bad, Bad Leroy Brown," and to have been the model for Wesley Snipes's galvanic drug dealer in the 1991 film "New Jack City."

"He was the No. 1; he had charisma," Sterling Johnson Jr., a federal judge and former special narcotics prosecutor in New York City, said in 2007. Mr. Barnes was known to hand out holiday turkeys in Harlem like a Tammany ward heeler and proudly keep bound volumes of his courtroom testimony.

Mr. Barnes in an undated police photo. In 2007 he was the subject of a biography and a documentary film and portrayed by Cuba Gooding Jr. in the movie "American Gangster."  
via Magnolia Pictures

His lawyers insisted, though, that law enforcement officials exaggerated his wealth and his lifestyle. "My God, the guy's got holes in his shoes," one defense lawyer said. The lawyer insisted that, yes, Mr. Barnes was ferried around in fancy cars, but he rented them.

Still, when it came time to post bail after his 1974 arrest, \$100,000 in checks mysteriously appeared, originating in a Harlem church. A judge rejected the money, questioning its source, and instead Mr. Barnes used as collateral his equity in a \$4.6 million federally aided Detroit housing project.

When he was incarcerated in federal prison in Marion, Ill., he earned a college degree, taught other inmates and won a poetry contest for prisoners.

Released after more than two decades behind bars, his flamboyance a thing of the past, Mr. Barnes readily adapted to the witness protection program. "The anonymity that cloaks Middle America is the life I'm comfortable with, and what I want to be," he said in the 2007 Times interview.

He told neighbors and colleagues, if they asked, that he was a bankrupt businessman, worked at a Walmart and dreamed of opening a Krispy Kreme franchise. He drove to work in a used car, lived in a mostly white neighborhood and put in a 40-hour workweek.

"I want to get up every day and get in the car and go to work and be a respected member of my community," Mr. Barnes said. "And I am respected."

He added: "I'm not looking in the rearview mirror to see if anyone is tailing me anymore. I don't turn on the blender when I'm at home so I can talk. That is not a part of my life. Sure, I'd love to have more money, but I am not willing to do anything but go to my job to get it."

His two grown daughters, who had been in foster care after their mother's arrest, were also given new identities under the witness protection program and moved to be with him for a while after his release.

One daughter once explained in an interview: "It's hard for us to think of 'Mr. Untouchable' as being the same person as our dad. By the time we were old enough to understand what he had done, we had so many positive experiences with him."

Still, to many of his former colleagues who spent years in prison or who remain incarcerated, he was a snitch, even if he had turned witness for the prosecution as payback for their disloyalty.

He wept on the witness stand as he identified former associates as members of a “council” of narcotics traffickers who had vowed to “treat my brother as myself.” The associates’ lawyers scoffed at his testimony. Mr. Barnes, they said, was testifying only to win parole or a pardon.

Was there anything, he was asked in 2007, worse than being an informer?

“Being in prison for the rest of your life,” Mr. Barnes replied. “I’d rather be out as a witness than be in there and what they characterize as a stand-up guy.”

“I’m out,” he said. “They’re in.”

**Correction:** June 8, 2019

*An earlier version of this obituary misstated the date that the gangster Frank Lucas died. It was May 30, not May 31.*

A version of this article appears in print on June 9, 2019, on Page A1 of the New York edition with the headline: Nicky Barnes, 78, Flamboyant Heroin Kingpin Who Taunted Authorities, Dies

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